

**Officer Involved Shooting of William Chau  
El Monte Police Department**

**Officer Jack Jenkins, #477**

**J.S.I.D. File #15-0484**



**JACKIE LACEY**

**District Attorney**

**Justice System Integrity Division**

**August 7, 2017**

## **MEMORANDUM**

TO: CHIEF DAVID REYNOSO  
El Monte Police Department  
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CAPTAIN CHRISTOPHER BERGNER  
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FROM: JUSTICE SYSTEM INTEGRITY DIVISION  
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of William Chau  
J.S.I.D. File #15-0484  
E.M.P.D. File #CR-15-7692  
L.A.S.D. File #015-00062-3199-011

DATE: August 7, 2017

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the September 9, 2015, fatal shooting of William Chau by El Monte Police Department (EMPD) Officer Jack Jenkins. It is the conclusion of this office that Officer Jenkins acted reasonably and lawfully in defense of others when he used deadly force against William Chau.

The District Attorney's Command Center was notified of the shooting on September 9, 2015, at approximately 10:55 a.m. The District Attorney Response Team responded and was given a walk-through of the scene.

The following analysis is based on investigative reports, witness statements, audio recordings, and photographic evidence submitted to this office by Los Angeles County Sheriff's Department (LASD) Sergeant Marcelo Quintero. The voluntary statement of Officer Jenkins was considered in this analysis.

### **FACTUAL ANALYSIS**

On September 9, 2015, at approximately 7:37 a.m., EMPD officers were dispatched to a structure fire at [REDACTED] Glen Way. It was later determined that the address of the incident was [REDACTED] Glen Way, El Monte.<sup>1</sup> Inside the residence at the start of this incident were Nguyet D., Nguyet D.'s daughter - Lan V., Lan V.'s brother - Duc V., and William Chau - Lan V.'s ex-husband. Officers Richard Metoyer, Nicholas Stratis, and Richard Gonzalez were first to arrive at the scene. Upon their arrival, officers observed the residence at [REDACTED] Glen Way fully engulfed in flames, and a man,

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<sup>1</sup> [REDACTED] Glen Way is a single story, single family residence located on the east side of the street.

later identified as William Chau, holding a woman, later identified as Lan V., at knifepoint in front of the residence. Chau was holding Lan V. with one arm around her upper body, while pointing a large knife to her neck. The officers noted Chau and Lan V. had sustained burn injuries, as evident by their discolored skin and missing clothing.

The officers backed away to the curb while attempting to communicate with Chau. The officers repeatedly ordered Chau to drop the knife and release Lan V., but Chau yelled, “No!” and refused to release Lan V. Chau stated, “I want to die. I want to die.” The officers broadcast they had a hostage situation, prompting several additional officers to respond. Officers Jack Jenkins, James Singleterry, Rigoberto Polanco, and Andrew Mora arrived on scene and took positions in front of the residence. Jenkins was armed with a rifle and took cover behind a parked vehicle, in the driveway immediately south of the location and approximately twenty feet south of where Chau was holding Lan V. at knifepoint.<sup>2</sup>

The officers continued to order Chau to drop the knife and release Lan V., but Chau refused. As officers were weighing their tactical options, Lan V. collapsed to a seated position. Chau did the same, but maintained a hold of Lan V. with the knife still to her neck area. As Chau went down to the ground with Lan V., Chau brought the knife down toward Lan V.’s chest area, with the point of the blade against her chest. Believing Chau was about to stab Lan V., Jenkins fired one round, striking Chau in the face. The shot caused Chau to drop the knife and release Lan V. Officers kicked the knife away from Chau, who made one last attempt to reach for it. Stratis recovered the bloody knife from the front lawn, and later gave it to Mora to secure. Chau and Lan V. were medically treated by awaiting fire department personnel.



█ Glen Way, El Monte

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<sup>2</sup> Jenkins was armed with a department issued .223 caliber AR-15 rifle.



Blood on Front Porch Ground and Knife Sheath at Location Where Chau was Standing

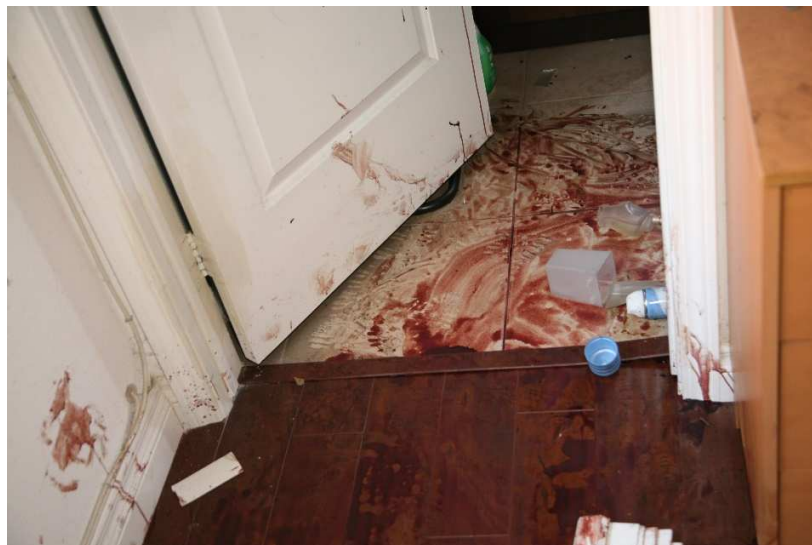
David C., Lan V. and Chau's adult son, arrived at the scene and informed officers that his maternal uncle, Duc V., and his maternal grandmother, Nguyet D., were inside the residence, which continued to burn.<sup>3</sup> Singleterry and Polanco entered the residence through the front door in an attempt to locate the victims. However, flames in the dining room area and smoke in the interior made it difficult to see and breathe, forcing Polanco and Singleterry to exit and circle north of the residence in an effort to find another way into the residence. Singleterry began cutting the screens of the windows open and pulling back the blinds to see inside. When Singleterry cut open the window screen to the northeast bedroom window and pulled back the blinds, he heard a moan and saw the room was full of smoke. Singleterry then saw a female, later identified as eighty-year old Nguyet D., lying on the floor. Nguyet D. was lying on her left side, and had a large laceration on her right shoulder which was bleeding profusely. Nguyet D. also had blood on her hair and was bleeding from her hands. Assisting officers attempted to break the right side of the window in an attempt to extract Nguyet D. but were unable to gain access. Assisting firefighters then entered the room from inside the residence and were able to pull Nguyet D. out of the residence.

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<sup>3</sup> David C.'s grandmother and his uncle had both been in the residence earlier that morning when David C. left to make a delivery. Unbeknownst to David C., Duc V. had managed to escape the residence.



Blood on Bedroom Floor Where Victim Nguyet D. Was Located



Close-up of Blood on Bedroom Floor

Nguyet D. was transported to Los Angeles County USC Medical Center (LAC -USCMC) for medical treatment. Upon her arrival at the hospital, Nguyet D. went into cardiac arrest, and was pronounced deceased in the emergency room at 8:37 a.m.

Deputy Medical Examiner Odey D. Ukpo conducted an autopsy of Nguyet D.'s remains. Dr. Ukpo concluded that Nguyet D. died as a result of multiple sharp force injuries. Nguyet D. had stab wounds to her left axilla (armpit) and abdomen. Dr. Ukpo noted that the stab wound of the axilla likely perforated the spleen, and the stab wound of the abdomen likely penetrated significant arteries. In addition, there were multiple incise wounds throughout Nguyet D.'s body, including her hands, chin, neck, shoulders, and back. A condition contributing to, but not related to, the immediate cause of death was the inhalation of products of combustion, such as carbon monoxide,



which prevented the oxygenation of blood.<sup>4</sup> Dr. Ukpo noted that there was soot in Nguyet D.'s airways, indicating she was alive at the time the fire was started.

Lan V. was transported to Arcadia Methodist Hospital for medical treatment, but shortly thereafter transferred to Torrance Memorial Hospital, where she expired the next day, on September 10, 2015. While in the emergency room, Lan V. briefly spoke with EMPD Officer Rigoberto Polanco. Lan V. stated that her husband, Chau, had stabbed her and lit the house on fire. While speaking with Lan V., Polanco smelled a chemical odor emitting from her person.

Deputy Medical Examiner Dr. Ukpo also conducted the autopsy of Lan V.'s remains. Dr. Ukpo noted that Lan V. sustained thermal injuries to approximately 64% of her body surface, including the head, chest, arms, and back. Dr. Ukpo concluded that Lan V. died as a result of systemic inflammatory response syndrome (SIRS) due to, or as a consequence of, thermal injuries. According to Dr. Ukpo, burns can cause an intense SIRS by damage to the dermis. This local inflammation releases proteins into the blood stream that can cause an overwhelming physiologic response leading to organ failure and sudden death. Dr. Ukpo also noted that Lan V. also sustained incise wounds on her body, including to the right lateral lower neck, the right upper chest, and to the left palm.

Duc V. was assaulted by Chau with a knife as Duc V. attempted to put out the kitchen fire.



Interior View of Burned Kitchen and Dining Area

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<sup>4</sup> Per Dr. Ukpo, there was a significant amount of oxygen depletion caused by a combination of blood loss, and formation of carboxyhemoglobin (carbon monoxide bound to red blood cell protein).



Exterior View of Kitchen Windows

Duc V. ran out of the residence, and was located by paramedics just a few streets away from the residence at Montecito Drive and Esmeralda Avenue. Duc V. survived the assault, but sustained two lacerations to his right arm. Duc V. also sustained several burns throughout his body, including his upper torso and the right calf.

Chau was transported to LAC-USCMC where he was treated for a gunshot wound to his face, and eventually transferred to the burn unit. Chau expired from his injuries on September 14, 2015.

Deputy Medical Examiner Ogbonna Chinwah conducted an autopsy on Chau's remains. Dr. Chinwah concluded that Chau died as a result of the gunshot wound to the face. The gunshot entered on the right side of the face, under the nose, and exited on the right cheek, including the ear. Conditions contributing to, but not related to, the immediate cause of death were thermal burns. Dr. Chinwah noted that Chau sustained second degree thermal burns to approximately 50% of his body surface, including his chest, abdomen, and upper and lower extremities.

### **Statement of Duc V.**

Duc V. spent the night at his sister's residence in order to help her bake some pastries for sale the next morning. Duc V. woke around 3:00 a.m., along with his mother and sister, and baked the pastries. At approximately 6:00 a.m., his nephew, David C., left the residence to deliver the pastries. When Duc V. laid down on the sofa in the living room to go back to sleep, his mother and sister were both inside the kitchen

At approximately 7:30 a.m., Duc V. was awoken by his mother screaming his name. As he looked toward the kitchen, Duc V. saw that his sister's head and upper torso were engulfed in flames, and she was yelling in pain. Duc V. also saw that a portion of the kitchen floor, near the rice cooker and dining table, was also on fire. A line of fire extended from the kitchen area into the dining room near the south facing wall. There was a gasoline odor in the kitchen. Duc V. made his way into the kitchen attempting to extinguish the flames from his sister, whose legs were engulfed in flames. However, Chau grabbed Duc V. and stopped him. Duc V. attempted to wrestle himself free from Chau's grasp. Simultaneously, his mother ran to a bedroom and returned with a blanket. His mother put the blanket on his sister in an attempt to extinguish the fire, but was prevented by Chau.

Duc V. pushed Chau backward allowing his mother time to help his sister, who was now seated in a chair in the dining room.

Chau then ran into the kitchen, retrieved a knife, and ran towards Duc V. stabbing Duc V. on the right arm with the knife. Chau attempted to stab Duc V. on the head, but Duc V. was able to block the knife with his right arm. Fearing for his safety, Duc V. ran out of the house screaming for help with Chau chasing after him. Duc V. continued southbound Glen Way, and turned westbound on Montecito Drive. As he reached Esmeralda Avenue, Duc V. observed the fire department who stopped and rendered care to him.

### **Statement of Jesus R.**

Jesus R. lives in an apartment at [REDACTED] Glen Way, two properties directly north of the incident location. Jesus R.'s apartment is on the second floor. At approximately 7:30 a.m., Jesus R. was awakened by a female screaming outside. When Jesus R. looked out his bedroom window, he saw black smoke coming from the south side of his residence. Jesus R. ran to [REDACTED] Glen Way where he encountered Lan V., who was burned from head to toe, yelling and screaming. Lan V.'s clothes appeared to have been melted onto her body from the heat. Jesus R. was unable to communicate with Lan V. because she was speaking in a foreign language.

Jesus R. grabbed a garden hose and entered the house in an attempt to put out the fire. Once inside the residence, Jesus R. saw that there was blood on the floor and the whole south of the residence was fully engulfed in flames. While inside the residence, Jesus R. heard a male voice say, "Thank you, sir." but did not know from where the voice was coming. Jesus R. exited the residence and saw a police motorcycle officer pull up to the location. Jesus R. ran to the officer and told him that there may be additional people inside the residence. While Jesus R. was talking to the officer, Jesus R. looked back and saw Chau behind Lan V. holding a small machete to the underside of Lan V.'s chin/neck area. Chau was holding Lan V. from behind with his left arm around her waist and abdomen. Both Jesus R. and the motorcycle officer told Chau to put the knife down. The motorcycle officer ordered Chau to put the knife down at least three or four times in a clear and loud voice. Chau responded by stating, "I want to die" approximately four times. Meanwhile, Lan V. appeared to be in great pain.

Upon seeing other officers arrive at the location, including one who was armed with a shotgun, Jesus R. determined this was a matter for the police to handle, and returned to his residence. Shortly thereafter, once inside his apartment, Jesus R. heard a single gunshot.

### **Statement of Ashlee N.**

Ashlee N. resides at [REDACTED] Glen Way, which is two properties directly south of where the incident occurred. At approximately 7:00 a.m., her mother alerted her to a fire two houses to the north of the residence. Ashlee N. went outside and watched from her driveway. Ashlee N. heard a raspy female voice moan and cry in agony as if she were in great pain. Ashlee N. also saw smoke coming from the residence two houses north of hers. Ashlee N. called 9-1-1, and within five minutes, two police officers arrived at the scene and began speaking to an individual.<sup>5</sup> One officer was behind a Toyota Matrix and armed with a rifle. The officers were very patient while speaking with the individual. Both officers told the person to "drop the knife" several times. A Hispanic officer was doing most

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<sup>5</sup> From her view, Ashlee N. could see the officers but not the person they were speaking to.



of the talking, and he was very calm and soothing in the manner in which he spoke. The officer said several times, "Please, we can talk this out. Put the knife down, and let her go." The officers received no response to their pleas, but a woman could still be heard moaning in agony.

After about two minutes, Ashlee N. heard an officer say, "Green light. Go." The officer with the rifle then fired one shot in a northeasterly direction. Ashlee N. stated that it appeared to her that the officer sincerely did not want to fire his weapon, and made great effort to end the confrontation peacefully.

### **Statement of Vivian C. and Scott C.**

Vivian C. and Scott C. are the adult children of Lan V. and Chau. Vivian C. and Scott C. provided a brief history of their mother and father's life and marriage. Lan V. and Chau were married in Vietnam in 1975. They were legally divorced in 1994, but Chau was allowed to live in the family residence's converted garage several years after the divorce. Lan V. felt she had no other choice but to allow Chau to stay, due to him having no other extended family.

Chau was verbally and physically abusive to them and their mother. Chau had a minor stroke in June 2015, and was hospitalized in Orange County. Chau was then sent to Aurora Las Encinas Hospital, a recovery and therapy clinic in the city of Pasadena. While admitted to Aurora, Chau made serious life threatening threats against his family. This prompted the hospital to notify Chau's family of the threats made, via a letter which was also sent to the EMPD and the Pasadena Police Department.<sup>6</sup>

A check of the EMPD calls for service records revealed that on June 25, 2015, a call for service was placed by Aurora Las Encinas hospital personnel. The call described threats allegedly made by Chau against his family. Chau apparently threatened to kill members of his family with a knife then burn the residence to the ground. EMPD service records indicate that approximately fourteen minutes after the initial call for service, the call was closed as follows, "Closed dispo: ADVISED."<sup>7</sup>

### **Officer Jack Jenkins**

Officer Jack Jenkins provided a voluntary statement to investigators on September 9, 2015. On September 9, 2015, Jenkins was assigned as a Resource Officer at Mountain View High School. At approximately 7:30 a.m., Jenkins and Officer Jesus Rojas were in Rojas' patrol car when they heard a radio broadcast of a structure fire at [REDACTED] Glen Way. Seconds later, officers broadcast, "We have him at gunpoint," and Jenkins and Rojas responded to the location.

Upon arriving at the location, Rojas handed Jenkins an AR-15 rifle, and Jenkins took a position of cover in the driveway, just south of the location behind a gray car.<sup>8</sup> Jenkins observed Chau and Lan

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<sup>6</sup> Investigators obtained a copy of the letter dated June 25, 2015, addressed to the Chau family, wherein the family is advised that Chau has made serious threats against their lives.

<sup>7</sup> The precise nature of the EMPD response to the hospital call could not be determined from the EMPD service records, that is, whether it was followed by a patrol response to the residence, or whether the advisement was done telephonically. Per Sergeant Marcelo Quintero, the investigating officer, the EMPD has since upgraded its Computer Aided Dispatch System, and as a result, the EMPD was unable to access service records for the call.

<sup>8</sup> At the scene, a gray Toyota Matrix was parked facing east in the driveway of [REDACTED] Glen Way, which is the residence to the south of [REDACTED] Glen Way.



Jenkins' Position from Behind the Toyota Matrix in the Driveway

V. standing in front of the residence. The house was on fire and there was a lot of smoke in the area. Jenkins noted that Chau and Lan V. appeared to have sustained burns. Jenkins observed that Chau was holding Lan V. in front of Chau in a “choke hold,” while holding a large knife with his right hand. Stratis and Gonzalez were trying to talk to Chau, attempting to establish a dialogue. Although there were other officers at the scene, Jenkins did not recall who they were, as he was not focused on them.

Stratis was ordering Chau to put the knife down, when Lan V. suddenly collapsed. Chau appeared to maintain a hold of Lan V., using her as a shield, as they both fell to the ground in a seated position. As Stratis was giving orders to Chau, Jenkins observed that Chau was making movements with the knife, but it did not appear to Jenkins that the movements were toward Lan V. Stratis yelled “Take the shot!,” but Jenkins did not fire upon Chau because he did not perceive Chau was posing an immediate threat to Lan V. at that time. Jenkins continued to watch Chau. Chau then made a downward motion with the knife as if he was about to stab Lan V. in the chest. Believing that Lan V. was about to be killed, Jenkins fired one shot from his rifle striking Chau on the face.

The shot incapacitated Chau, allowing for other EMPD officers to approach, render aid, and take Chau into custody. Jenkins maintained his position of cover behind the gray vehicle, while other officers entered and checked the burning residence for additional victims.

#### **Statement of Officer Nicholas Stratis**

Stratis is a motorcycle officer for the EMPD. Stratis responded to the incident location in response to a radio call regarding a structure fire. Stratis was the first officer to arrive, and saw smoke and flames coming from both the front door and several of the windows. Stratis also saw two men and a woman standing near the front porch of the burning residence. Stratis observed that a man, Chau, and a woman, Lan V., appeared to be in distress. Chau and Lan V. had severe burn injuries to their upper body, and their clothing was partially burnt off.

The other man, later identified as Jesus R., walked toward Stratis and said, “You better do something. That guy is crazy.” Jesus R. then walked away from the residence. Stratis’ attention was drawn back to Lan V. and Chau who were standing approximately three feet from the burning residence. Lan V. was shouting unintelligible words, and it was clear that she was in extreme pain. Lan V.’s hands were raised away from her body, with her palms facing up, and she was shifting her

body back and forth. Chau was standing behind Lan V. while holding onto her left shoulder with his left arm. Chau was holding a large black knife in his right hand, which he pressed against Lan V.'s neck and clavicle area.

Stratis took cover behind a tree, northwest of the residence, and pointed his duty weapon at Chau. Stratis continually ordered Chau to put the knife down, but Chau did not comply. Instead, Chau continuously moved the knife back and forth from Lan V.'s neck and chest area down to the right side of her rib cage. Stratis knew that the situation was critical, and he requested a supervisor and an AR-15 equipped officer to respond immediately. A few minutes later, several officers arrived on scene and tactically positioned themselves. Stratis looked to his right and observed that several other officers were positioned and ready. Stratis ordered Chau approximately six more times to drop the knife, but Chau replied, "No." Chau made it obvious he was not going to comply, and it appeared he was becoming increasingly agitated. Chau was now moving back and forth while holding the knife against Lan V.'s body. Lan V. appeared to be losing consciousness and suddenly collapsed to the ground. Based on Chau's increasingly agitating actions and Lan V.'s deteriorating condition, Stratis believed that they could no longer wait for a hostage negotiator and something had to be done immediately.

Stratis looked at Jenkins, who was positioned to his right and saw that he was armed with a rifle. Stratis yelled to Jenkins, "Take the shot! Take the shot!" Several seconds later, Jenkins fired one round from his rifle, striking Chau on the face. Chau immediately fell to the ground, dropped the knife, and released Lan V.

Stratis used gloves to safely secure the knife in his motorcycle saddle bag, and later moved the knife to Mora's patrol vehicle, where it was subsequently recovered by investigators.<sup>9</sup>



Knife Dropped by Chau and Recovered from the Scene by Officer Stratis

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<sup>9</sup> The knife, with a 10 inch fixed blade and a black handle, was subsequently recovered by investigators from the trunk of Mora's patrol vehicle.

## Physical Evidence

An audio recording of the shooting was captured by an audio recording device worn by Gonzalez.<sup>10</sup> The recording captured Gonzalez pleading with Chau to put the knife down, assuring him no one is going to hurt him, and asking him to let Lan V. lay down. Chau replies, "I want to die. I want to die," followed by "No. No." Lan V. is heard moaning and crying out for her mother. There is a discussion about less lethal, and Gonzalez is heard stating, "I have less lethal." This is immediately followed by Stratis who states, "Green light! Take the fucking shot!" Gonzalez continues to plead, "Sir, just put the knife down." Stratis again states, "Take it! Take the fucking shot!" Approximately two seconds later, a shot is heard.

A bullet strike was located north of the front door to the residence. Blood stains were on the concrete porch in front of the door, as well as a black knife sheath. The residence had several broken windows. Inside the residence, on top of an L-shaped couch in the living room, there was a brown box containing a burnt blanket, which appeared to have biological matter on it. There was heavy fire damage against the east wall. A bathroom, located on the east side of the residence, had large blood stains in the entry way, the floor, and the walls. Nguyet D.'s body was located at this spot. There was also a blood stain on the north wall of the adjacent bedroom.

The kitchen was on the southeast side of the residence, and sustained extreme fire damage. There were several bottles of cooking oil placed against the stove, and a large plastic bottle of vegetable oil was on the kitchen counter. An oily substance, resembling cooking oil was on the floor in the area of the burn patterns. Splatters of a similar oily substance were on the cabinets, the door and the refrigerator. Due to the amount of oily substance observed in the kitchen, and the fact that it appeared to be splattered on vertical surfaces, arson investigators determined that vegetable oil was purposefully used as an accelerant in the kitchen.<sup>11</sup>

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<sup>10</sup> No video recording of the shooting was obtained because none of the officers were equipped with body worn video devices.

<sup>11</sup> Per arson investigators, cooking oils assist in sustaining flames, and enhance burn rates when added to cloth, paper, and other organic materials.



Oil Stains on Refrigerator

A white Bic lighter was recovered from the kitchen floor. An arson investigation determined that the fire originated in this area, specifically on the person of Lan V. The cause of the fire was an intentional act of arson by Chau. Chau doused Lan V. with the vegetable oil and ignited her clothing, most likely using the lighter found on the kitchen floor.



Bic Lighter on the Ground at the Base of the Kitchen Sink





Close-up of Bic Lighter

Lan V. was likely cornered into the kitchen, causing the fire to spread from Lan V. onto the cabinets and surrounding areas of the kitchen.



Burnt Cabinet - Origin of Fire Area and Oil Bottle on Kitchen Counter

The dining room, located in the southwest portion of the residence, also sustained extreme fire damage. There was a small dining room table with four chairs surrounding it. One of the chairs had burns along the seat and backrest.

Written in Chinese on a wall of the detached garage, which was Chau's dwelling quarters, were the words, "The Price of Betrayal."

A fired cartridge case, consistent with having been fired from Jenkins' rifle, was located in the driveway of [REDACTED] Glen Way.

## LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or

death. Penal Code §197; *People v. Randle* (2005) 35 Cal. 4<sup>th</sup> 987, 994 (overruled on another ground in *People v. Chun* (2009) 45 Cal. 4<sup>th</sup> 1172, 1201); *People v. Humphrey* (1996) 13 Cal. 4<sup>th</sup> 1073, 1082; see also, CALCRIM No. 505.

In protecting himself or another, a person may use all the force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. CALCRIM No. 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

“Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety.” *People v. Collins* (1961) 189 Cal.App.2d 575, 589.

In determining the reasonableness of an officer's actions, allowances must be made for the fact that police officers are often forced to make split-second judgments, in circumstances that are tense, uncertain and rapidly evolving, about the amount of force that is necessary in a particular situation. *Graham v. Connor* (1989) 490 U.S. 386, 396-398.

## CONCLUSION

The evidence examined in this investigation shows that by the time the officers encountered Chau, Chau had already set his ex-wife on fire, her residence on fire, and attempted to stab to death two members of her family. When Officer Jenkins and the other responding officers confronted Chau on the front porch of the burning residence, Chau was armed with a large knife as he held Lan V. hostage. Lan V. was severely burned, and in great distress as Chau employed her as a human shield while speaking to the responding officers, who repeatedly ordered and pleaded with Chau to drop the knife. Chau refused to obey, responded he wanted to die, and waved the knife in front of Lan V., making it appear as if he was going to kill Lan V.

Meanwhile, Lan V.'s condition was rapidly deteriorating. When Lan V. collapsed, Chau apparently lowered the knife, causing Jenkins and the other officers to believe that Chau was about to stab Lan V. on the chest. This prompted Jenkins to respond with deadly force to save Lan V.'s life.

The evidence examined shows that Officer Jenkins' response with deadly force was calculated and measured. Ashlee N. noted that the firing officer did not appear as if he wanted to shoot, and that it was evident he wanted to end the confrontation peacefully. The audio recording lends support to Ashlee N.'s observations. Officer Jenkins did not immediately shoot when directed by another officer to shoot, he shot only when it appeared to him that the peril was swift and imminent, and the necessity for action immediate in order to save Lan V.'s life.

Based on the foregoing, we conclude that Officer Jack Jenkins acted reasonably and lawfully in defense of others when he used deadly force against William Chau. We are therefore closing our file and will take no further action in this matter.